

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 J.F., a minor, by her Guardian ad Litem
12 CHERISE ABEL-IRBY,

No. C 13-03808 SI

ORDER RE DISCOVERY DISPUTE

13 Plaintiff,

14 v.

15 NEW HAVEN UNIFIED SCHOOL DISTRICT,
16 et al.,

16 Defendants.
17 _____/

18 Now pending before the Court is the parties' joint discovery letter. Dkt. No. 52. In the letter,
19 defendants request an order requiring plaintiff to reveal the names of five student witnesses whose
20 statements she has provided in her initial disclosures. Defendants further request that plaintiff execute
21 the Stipulated Protective Order for Standard Litigation within five days of the Court's Order on this
22 dispute. Plaintiff asks the Court for an order prohibiting defendants from retaliating against or singling
23 out student witnesses, and prohibiting staff from releasing the students' identities.
24

25 **DISCUSSION**

26 By this discovery letter, defendants argue that, pursuant to Federal Rule of Civil Procedure
27 26(a)(1), plaintiff must disclose to them the names, addresses, and phone numbers of all individuals
28 likely to have discoverable information. Defendants contend that plaintiff's disclosure of "5 student
witnesses who do not currently wish to be identified" does not satisfy this Rule. Dkt. No. 52 at 2.


1 Plaintiff responds that the student witnesses have asked to remain anonymous at this time because they
2 fear retaliation due to their ongoing status as students at plaintiff's former school. *Id.* at 3.

3 Plaintiff has offered to reveal the names of the student witnesses to defendants' attorneys, subject
4 to a stipulation prohibiting counsel from disclosing their names to any of the defendants. *Id.* at 3-4. The
5 Court finds that this is an appropriate solution to this problem. Releasing the student witnesses' names
6 to defense counsel will permit them to continue to evaluate and investigate this case, while at the same
7 time protecting the minor witnesses.

8 Accordingly, the Court ORDERS the plaintiff to reveal the identities of the student witnesses
9 to counsel for defendants, subject to a stipulated protective order preventing counsel from sharing the
10 students' names with defendants. With regard to defendants' request that plaintiff execute the Stipulated
11 Protective Order for Standard Litigation, the Court GRANTS the request and ORDERS the parties to
12 execute the Stipulated Protective Order within five days of the date of this Order. Finally, with regard
13 to plaintiff's request for an order prohibiting defendants from retaliating against the student witnesses,
14 the Court finds that this request is premature and therefore it is DENIED without prejudice. This Order
15 resolves Docket No. 52.

16
17 **IT IS SO ORDERED.**

18
19 Dated: May 12, 2014

20 
21 _____
22 SUSAN ILLSTON
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28